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AUG 30 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF MAILING

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Michelle Ludwig

In re application of: Martinell et al.)
Serial No.: 09/683,399) Examiner: Georgia L. Helmer
Filed: December 21, 2001) Group Art Unit: 1638
For: PLANT TRANSFORMATION PROCESS) Conf. No. 2956
WITH SELECTION AND EARLY)
IDENTIFICATION OF GERMLINE)
EVENTS)

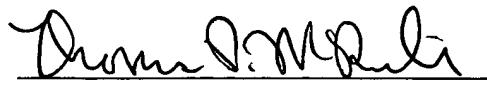
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TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

Response to Election/Restriction Requirement Under 35 U.S.C. §121
 If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 13-4125 accordingly.
 No fee is believed required with this filing.
 Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125. A duplicate copy of this sheet is attached.

Respectfully submitted,



Thomas P. McBride
Reg. No. 32,706
800 North Lindbergh Boulevard
St. Louis, Missouri 63167
(314) 694-5802
(314) 694-5311 (fax)

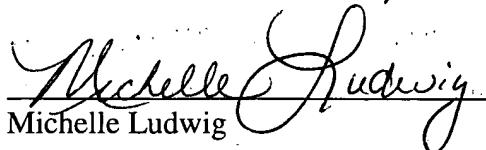
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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT UNDER 35 U.S.C. §121

This paper is filed in response to the Office communication dated July 29, 2004. It is respectfully requested that the election below be entered with traverse and that the application be examined on the merits.

REMARKS

In the action dated July 29, 2004, the U.S. Patent and Trademark Office required restriction under 35 U.S.C. 121 from among the following groups:

- I. Claims 1-19, drawn to a method of early identification of germline transformed plants comprising transforming tissue with at least one nucleic acid sequence encoding a protein to obtain transformed plant tissue, classified in class 800 subclass 278, for example
- II. Claims 20-21, drawn to a method of early identification of germline transformed plants comprising transforming tissue with at least one nucleic acid sequence encoding an antisense gene to obtain transformed plant tissue, classified in class 800 subclass 286, for example.

Applicants elect Group I consisting of Claims 1-19 with traverse and respectfully request that the application be examined on the merits. Applicants believe that it would not create an undue burden on the Examiner to conduct a search encompassing all of the claims. Further, Applicants reserve the right to file divisional applications to further prosecute non-elected groups.

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,



Thomas P. McBride
Reg. No. 32,706
800 North Lindbergh Boulevard
Mail Zone E2NA
St. Louis, Missouri 63167
(314) 694-5802
(314) 694-5311 (facsimile)